

Planning Commission Hearing Minutes March 9, 2015

PC MEMBERS	PC MEMBERS ABSENT	STAFF PRESENT
Meta Nash Alderman Russell Kate McConnell Barbara Nicklas Andrew Brown Arlene Perkins		Gabrielle Collard -Division Manager for Current Planning Scott Waxter- Assistant City Attorney Pam Reppert – City Planner Brandon Mark – City Planner Devon Hahn – City Traffic Engineer Carreanne Eyler – Administrative Assistant

I. ANNOUNCEMENTS:

Commissioner Nash announced that Planning Commission Workshop will be held on Monday, March 16, 2015.

Approval of the **February 9, 2015** Planning Commission Meeting Minutes as published:

MOTION: Commissioner McConnell.

SECOND: Commissioner Nicklas.

VOTE: 4-1. (Commissioner Brown abstained)

Approval of the **February 17, 2015** Planning Commission Workshop Minutes as published:

MOTION: Commissioner McConnell

SECOND: Commissioner Nicklas.

VOTE: 5-0.

Approval of the **March 6, 2015** Pre-Planning Commission Meeting Minutes as amended:

MOTION: Commissioner McConnell.

SECOND: Commissioner Nicklas.

VOTE: 4-1. (Commissioner Brown abstained)

III. PUBLIC HEARING-SWEARING IN:

“Do you solemnly swear or affirm that the responses given and statements made in this hearing before the Planning Commission will be the whole truth and nothing but the truth.” If so, answer “I do”.

IV. PUBLIC HEARING-CONSENT ITEMS:

(All matters included under the Consent Agenda are considered to be routine by the Planning Commission. They will be enacted by one motion in the form listed below, without separate discussion of each item, unless any person present – Planning Commissioner, Planning Staff or citizen -- requests an item or items to be removed from the Consent Agenda. Any item removed from the Consent Agenda will be considered separately at the end of the Consent Agenda. If you would like any of the items below considered separately, please say so when the Planning Commission Chairman announces the Consent Agenda.)

V. MISCELLANEOUS:

A. Planning Commission Officer Elections

MOTION: Commission Nicklas nominated Commissioner Nash as Chair of the Planning Commission.

SECOND: Commissioner McConnell.

VOTE: 5-0.

MOTION: Commission Nicklas nominated Commissioner McConnell as Vice Chair of the Planning Commission.

SECOND: Commissioner Brown.

VOTE: 5-0.

MOTION: Commission McConnell nominated Alderman Russell as Secretary of the Planning Commission.

SECOND: Commissioner Nicklas.

VOTE: 5-0.

B. PC12-836FSU, Final Subdivision Plat, West Park Village, Lot 1, Block A

Mr. Mark stated that the applicant is requesting an approval for a nine month extension to the conditions of approval. There was no public comment on this item.

Planning Commission Action:

MOTION: Commissioner McConnell moved for the approval of a nine month extension to the conditions of approval for the final subdivision plat assigned on March 10, 2014.

SECOND: Commissioner Nicklas.

VOTE: 5-0.

C. PC15-050PCM, Fence Modification, Nicodemus/Eastchruch PND

Ms. Reppert entered the entire staff report into the record. There was no public comment on this item.

Planning Commission Action:

MOTION: Commissioner McConnell moved for the approval of a modification for the front yard location and the overall fencing plan for PC15-050PCM in accordance with Sections 410 and 821 of the LMC and conditioned upon the 5 conditions read into the record by staff.

SECOND: Commissioner Nicklas.

VOTE: 5-0.

D. PC14-911FSU, Final Subdivision Plat, Frederick Trading Company Subdivision, Lots 1-4

Ms. Reppert entered the entire staff report into the record. There was no public comment on this item.

Planning Commission Action:

- MOTION:** Commissioner McConnell moved to approve PC14-11FSU for the creation of 4 lots based on the 3 conditions:
1. The Applicant must add the following note to the Plat: "The 24' reservation of land, intended for a half section of standard road improvements, is to be dedicated at no cost to the City at such time SHA grants access to MD 26; otherwise, the reservation area shall expire in 25 years. The 11' wide trail to be provided in the reservation area shall be constructed and remain unless a public road is constructed in the future."
 2. The Applicant must add a note to the Plat documenting the modification of Section 606 for Lots 1-3 and Planning Commission approval date of January 13, 2014.
 3. Verify and correct lots sizes to match drawing acreages with area tables.
- SECOND:** Commissioner Nicklas.
- VOTE:** 5-0.
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E. PC14-918FSI, Final Site Plan, Union Mills

Mr. Mark entered the entire staff report into the record. There was no public comment on this item.

Planning Commission Action Per 601(f):

- MOTION:** Commissioner McConnell moved for the approval of a modification to Section 601(f) for entrance spacing finding that the 3 conditions to be met as read into the record by staff.
- SECOND:** Commissioner Nicklas.
- VOTE:** 5-0.
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Planning Commission Action Per 607(d):

- MOTION:** Commissioner McConnell moved for the approval of a modification to Section 607(d), 607-4 for the minimum required drive aisle width finding that the 3 conditions are to be met as read into the record by staff.
- SECOND:** Commissioner Nicklas.
- VOTE:** 5-0.
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Planning Commission Action PC14-918FSI

- MOTION:** Commissioner McConnell moved for the approval of PC14-918FSI with the 8 conditions to be met as read into the record by staff.
- SECOND:** Commissioner Nicklas.

VOTE: 5-0.

F. PC14-919FSCB, Combined Forest Stand Delineation/Preliminary Forest Conservation Plan

Mr. Mark entered the entire staff report into the record. There was no public comment on this item.

Planning Commission Action:

MOTION: Commissioner McConnell moved to approve PC14-919FSCB for the payment of fee in lieu of totaling \$2,221.50.

SECOND: Commissioner Nicklas.

VOTE: 5-0.

G. PC14-811FSI, Final Site Plan, Sinclair Way

Ms. Reppert entered the entire staff report into the record. There was public comment on this item.

Patricia Motter of 2441 Rippling Brook Road stated that she strongly supports this application and appreciates the Planning Commissions' deliberations. She echoed the sentiments expressed by the Applicant regarding parking, noting that typically, people in affordable housing can only afford one car so parking really won't be an issue and urges the Commission for their support on this project.

Elizabeth Day of 312 E. Church Street stated that shelter is one of the areas with the greatest need in Frederick County. She stated that the demand for affordable housing is greater than the capacity of all Frederick County providers. She supports the application.

Michael Henningson with Plamondon Companies stated that affordable housing is needed in the area and that new businesses such as the downtown hotel will create additional needs and there will be people who will walk to work and not drive. He supports the application.

Mary Ellen Mitchell of 750 Carroll Parkway with Interfaith Housing Alliance stated that they did a study of one of their properties (Natelli Manor) which had 11 apartments out of the 12 that were rented. Over the course of a week there were 9 cars onsite so it was under the number of cars that you might expect. She supports the application presented.

Mark Lancaster of 3120 Old National Pike stated that he firmly believes that this proposal makes sense. He supports the application.

Ryan Trout, Chairman of the Frederick County Affordable Housing Council stated that Frederick County faces a shortage of affordable housing options. Because there is a lack of affordable rental units, you end up having residents stuck in affordable housing, which creates a backlog in our shelters and in our homeless population. He supports the application.

Planning Commission Action Per Section 803(g)(4):

MOTION: Commissioner McConnell moved for the approval of a modification to Section 803(g)(4) of the LMC to reduce the required distance between driveways and other paved parking areas from the required 3' to 0' in accordance with the 3 criteria as read into the record by staff.

SECOND: Commissioner Nicklas.

VOTE: 5-0.

Planning Commission Action Per Section 607(c)(4):

MOTION: Commissioner McConnell moved for the approval of a modification to Section 607(c) (4) "*Transit Availability*" to reduce parking by 25% based on the 4 criteria:

1. The modification will not be contrary to the purpose and intent of the Code in that the proposal complies with the criteria necessary for the modification.
2. The modification is consistent with the following elements of the 2010 Comprehensive Plan:
 - a. Transportation Element, Policy TE6 – Promote alternatives to the single occupant vehicle;
3. The plan contains compensating features to account for the requested modification in that it provides an onsite loading space for residents to accommodate for the decrease in on-site parking and opportunities for bicycle parking.
4. Modification support by the 2010 Comprehensive Plan policies:
 - a. Transportation Element TE8 – Encourage development that meets Transit-Friendly Design standards.
 - b. Housing Element HE6 – Support diverse residential development in the City.

SECOND: Commissioner Nicklas.

VOTE: 5-0.

Planning Commission Action Per Section (d)(2):

MOTION: Commissioner McConnell moved for the approval of a modification to Section 607(d)(2) "*Offsite Parking*" to satisfy the project parking requirement, based on meeting the section criteria and the compensating benefits of the development in accordance with the 3 criteria as read into the record by staff.

SECOND: Commissioner Nicklas.

VOTE: 5-0.

Planning Commission Action PC14-811FSI:

MOTION: Commissioner McConnell moved to approve PC14-811FSI for Sinclair Way based on compliance with all applicable standards of the Land Management Code (LMC) and the MPDU ordinance, finding that the site will be adequately served by public facilities and supported by the 2010 Comprehensive Plan Housing Element, policies 1-6, in addition to the 16 policies stated by Alderman Russell, with the following conditions to be met:

be adequately served by public facilities with the following conditions to be met:

1. Update Note 22(D) with the storm water waiver approval date and add to Note stating: *The storm water wavier fee of \$25,260.00 shall be paid prior to issuance of grading permit or public improvement plan approvals.*
2. Obtain adjacent property owner approval for installation and execute a maintenance agreement to plant seven (7) appropriate trees approved by the City Arborist to screen the parking spaces.
3. Show right-of-way dedication area of 589 s.f. along W. South Street as depicted on the previously approved Final Subdivision Plat.
4. Applicant shall notify the adjacent W South Street property owners of the 9' alley/access easement to their rear yards and the building permit process to install a paved parking area. Proof of notification shall be provided to Planning Department.
5. Obtain demolition approval for the accessory shed to the rear of 459 W South Street.
6. Execute and record construction easement agreement with Lots 2 and 3 to install proposed 5 parking spaces for the existing structures.
7. Update Note 20 to include the unconditional approval date of PC14-872FSCB Combined Forest Stand Delineation/Preliminary Forest Conservation Plan.
8. Correct Note 18 to accurately reflect bicycle parking is satisfied on site.
9. Execute an agreement with the owners of 333 W Patrick Street and 323-329 W Patrick Street for the exclusive and continued use of the required off-site parking in accordance with Section 607(d)(2).
10. Execute all necessary agreements for right of way encroachments with the City.
11. Execute an agreement with the City in accordance with Section 4-17.1(e) of the APFO for the payment of the school mitigation fee.
12. The Applicant must submit a payment of \$71,000 towards parkland improvements in accordance with Section 608(f) (4) of the LMC.
13. Obtain the Historic Preservation Commission (HPC) approval of the fence to surround the tot lot to be shown on the plan.
14. Label the proposed shared loading space located in front of Building 6.
15. Add a note to the plan stating that "staff parking will be provided off site."
16. The inverted "U" style bike racks shall be used on site.

SECOND:

Commissioner Nicklas.

VOTE:

5-0.

H. PC14-872FSCB, Forest Stand Delineation/Preliminary Forest Conservation Plan, Sinclair Way

Ms. Reppert entered the entire staff report into the record. There was no public comment on this item.

Planning Commission Action:

MOTION: Commissioner McConnell moved for the approval for PC14-872FSCB based on compliance with Section 721 and all applicable standards of the LMC finding that the site has no priority planting areas and is of a size too small to accommodate the minimum forest size of 10,000 s.f. pending on the 3 conditions to be as read into the record by staff.

SECOND: Commissioner Nicklas.

VOTE: 5-0.

I. PC14-640PND, Master Plan, Belle Air Farm

Ms. Reppert entered the entire staff report into the record. There was no public comment on this item.

This was the first of two required public hearing so not vote was taken.

Meeting adjourned approximately 9:15 p.m.

Respectfully Submitted,

Carreanne Eyler
Administrative Assistant

APPROVED 04-13-2015